

## **PUBLIC NOTICE OF PROPOSED RULE-MAKING**

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

### **Special Education Services**

This rule is amended to remove a reference to Department policy 1200.1714, Educational Evaluation of Residents, which references specific evaluation instruments. In conformance with state and federal law (including the Individuals with Disabilities Act), the Educational Program at the RI Training School will continue to utilize the latest version of nationally recognized measures to identify residents who are eligible for Special Education Services, to develop an Individualized Educational Plan for eligible residents and to provide appropriate services for residents. This policy also proceeds from the requirements of RI General Law, Federal Law, RI Supreme Court Decisions, the Federal Consent Decree in *Inmates of the RI Training School v. Janice DeFrances*, and /or federal regulation. In the amendment of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by June 17, 2014 to Susan Bowler, Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 ([Susan.Bowler@dcyf.ri.gov](mailto:Susan.Bowler@dcyf.ri.gov)).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Posted May 19, 2014

# Special Education Services

Rhode Island Department of Children, Youth and Families  
Division of Juvenile Correctional Services: Training School

**Policy: 1200.1725**

**Effective Date: June 14, 2004**

**Revised Date: ~~September 1, 2010~~2014**

**Version: ~~23~~**

In accordance with the Individuals with Disabilities Education Act (IDEA), the Education Program provides a free appropriate public education (FAPE) to all eligible residents in the least restrictive environment. Special education services are implemented in the larger context of general academic and vocational programs. Instructional strategies address learning and/or behavioral problems and transition services for residents upon release to the community.

The Education Program evaluates residents with disabilities and identifies residents who are currently receiving special education and related services. Eligible residents receive special programs and related services in accordance with state and federal requirements, including the implementation of procedural safeguards and necessary accommodations to meet each resident's unique needs and prepare the resident for further education, employment, and/or independent living.

The Education Program recognizes that the Individualized Education Plan (IEP) is the cornerstone of the IDEA. The IEP is a contractual agreement to guide, orchestrate and document specially designed instruction for each resident with a disability based on his or her unique academic, social and behavioral needs. The Education Program complies with all requirements of the IDEA regarding the development and implementation of the Individualized Education Plan.

## Related Procedure

[Special Education Services](#)

## Related Policy

[Educational Evaluation of Residents](#)

## Special Education Services

### Procedure from Policy 1200.1725: Special Education Services

- A. In conformance with the federal Individuals with Disabilities Act (IDEA), the Educational Program:
1. Identifies residents eligible for Special Education Services and creates or updates Individual Education Plans (IEPs) as required by law.
  2. Provides specially designed instruction that meets the unique needs of the resident with a disability and enables the resident to meet the goals defined on his/her IEP. Specially designed instruction has been adapted in its content (curriculum), methodology (instructional strategies) or delivery (how will the content and instruction be delivered) to meet the needs of the resident with a disability.
- B. To classify a resident as learning disabled for Special Education purposes, the Education Program:
1. Does not require a severe discrepancy between intellectual ability and achievement.
  2. Utilizes a resident's response to scientific, research-based intervention process, as required by the RI Department of Elementary and Secondary Education.
- C. If a resident's response to intervention suggests he/she may be eligible for Special Education Services, necessary evaluations are conducted:
- ~~1. Examples of evaluations are provided in DCYF Policy 1200.1714, Educational Evaluation of Residents.~~
- ~~2.1.~~ Evaluations begin within ~~10-ten~~ school days of receipt of parental consent.
- ~~3.2.~~ Evaluations are completed within ~~60-sixty~~ calendar days of parental consent.
- ~~4.3.~~ An eligibility determination meeting is held.
- ~~5.4.~~ A written report of the evaluation team is made available to the resident's home/community school district and parents, as well as the IEP team, if it is determined that the resident is eligible for special education services.
- D. The IEP is developed or reviewed at a team meeting within thirty ~~(30)~~ days of admission and is reviewed at subsequent bi-monthly team meetings. The IEP must be reviewed by the complete IEP team at least once per year and revised as needed.
- E. A team that includes the following people develops the IEP:
1. The resident's parent(s), legal guardian or educational advocate.
  2. Not less than one regular education teacher of the resident.
  3. Not less than one special education teacher of the resident.
  4. A qualified representative of the resident's home/community school district, who is knowledgeable about the curriculum and resources and has the ability to commit those resources.
  5. An individual who can interpret the institutional implications of evaluations.
  6. Other individuals at the discretion of the parents or the Education Program who have knowledge or expertise regarding the resident's education and transition needs and services, including at the discretion of the parents or the Training School, persons such as probation officers, institutional staff or other service providers.
  7. The resident if appropriate.
- F. The secondary transition IEP must be used for residents fourteen ~~(14)~~ years of age or older and when considering post-school goals and the transition services needed to reach those goals.
- G. Re-evaluation may not occur more than once a year unless parent requests it and the Local Education Authority (LEA) agrees. Re-evaluation must occur every three ~~(3)~~ years, unless the parent and LEA determine that it is not necessary.

- H. Paragraphs A - G are consistent with Correctional Education Association Standards 43, 45, 49 - 51, and 60 as well as American Correctional Association Standards 3-JTS-5D-02; 3-JTS-5D-03; 3-JTS-5D-04; 3-JTS-5D-06; 3-JTS-5D- 07 and 3-JTS-5D-08.